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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

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10 SWITCH, LTD. a Nevada limited liability
company,

11 Plaintiff,

12 vs.

13 STEPHEN FAIRFAX; MTECHNOLOGY;
14 and DOES 1 through 10; ROE ENTITIES
11 through 20, inclusive,

15 Defendants.

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Case No.: 2:17-cv-02651-GMN-VCF

17 **JOINT STATUS REPORT**

18 Plaintiff Switch, LTD (“Plaintiff” or “Switch”) and Defendants Stephen Fairfax and
19 MTechnology (“Defendants”), by and through their respective counsel of record, submit the
following joint status report as ordered by the Court on February 1, 2019 (ECF No. 40).

20 Persuant to the stipulation of the parties, the Court entered an Order on February 1, 2019,
21 staying this matter until May 24, 2019, to permit the Parties to engage in informal efforts to engage
22 in e-discovery efforts and resolve the dispute between them. The Court also ordered the Parties
23 to file a status report every 45 days from the date of the Order (ECF No. 40) that demonstrates to
the Court whether the stay should remain in effect. (ECF No. 40).

25 In accord with that Order, the Parties hereby report that the Stay should remain in effect
26 as demonstrated by the following:

27 1. The Parties have reached a general agreement on the process for commencing informal
28 e-discovery in an effort to identify key outstanding factual matters disputed between

them.

2. To that end the Parties have agreed to retain the services of national e-discovery forensic service provider.
3. The Parties thereafter identified a national provider in which an engagement for services was executed.
4. Unfortunately, the Parties were delayed in this process by this provider, whose actions thereafter not only failed to provide confidence that the provider understood and would be able or willing to comply with the protocol set forth by the Parties, the provider was slow to respond to requests and often unhelpful when responses were finally received. This process unfortunately expended much of the preceding 45 days that the Parties have spent engaged in this process.
5. Within the past two weeks the Parties have identified a mutually acceptable alternative provider, have engaged in a teleconference with representatives of that provider and are in the process of securing and negotiating engagement documents with that provider to commence informal electronic discovery in accord with the informal protocol of the Parties.
6. To that end, the Parties have estimated the size of the data to be assessed, and have reported the same to new provider who reports that its process could be completed within a few days to a week once the Parties have agreed upon keywords/phrases for the search.
7. Plaintiff's counsel has prepared a set of keywords/phrases that it has forwarded to Plaintiff for review and approval prior to seeking approval from Defendant and submitting the same to the new provider.
8. The new provider has identified a point of contact who has proven responsive to the Parties and who has assembled a team for the process. While not all procedural matters have been resolved, the responsiveness of the representative of the new provider has inspired confidence in the new provider that was lacking in the prior one.

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1 While the Parties acknowledge that this process has taken longer than they expected due
2 to the unique nature of the process they are undertaking—and particularly due to the sensitivity
3 of the data assessed and the process of interaction with the provider—they presently are working
4 in good faith to resolve differences and remain confident the process can be completed during the
5 present stay. For these reasons, the Parties report that the stay should remain in effect.

6 Dated: March 18, 2019

7 **WEIDE & MILLER, LTD.**

7 **RANDDAZZA LEGAL GROUP, PLLC**

8 */s/ F. Christopher Austin*

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